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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Belarus

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights[2] and the Optional Protocols thereto,[3] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] the Convention on the Elimination of All Forms of Discrimination against Women[6] and the Optional Protocol[7] thereto, and the Convention on the Rights of the Child[8] and the Optional

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[4] Resolution 2106 A (XX), annex.
[5] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[6] Ibid., vol. 1249, No. 20378.
[7] Ibid., vol. 2131, No. 20378.
[8] Ibid., vol. 1577, No. 27531.

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Protocol to the Convention on the sale of children, child prostitution and child pornography,[9]

Recalling Commission on Human Rights resolutions 2003/14 of 17 April 2003, 2004/14 of 15 April 2004 and 2005/13 of 14 April 2005, and Human Rights Council decision 1/102 of 30 June 2006,

Concerned that the 19 March 2006 presidential election was severely flawed and fell significantly short of Belarus Organization for Security and Cooperation in Europe commitments to hold a free and fair election, and that the situation of human rights in Belarus in 2005 was steadily deteriorating, as documented in the final report of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the report of the Special Rapporteur on the situation of human rights in Belarus,[10]

Noting that the Belarusian authorities have decided to hold local elections on 14 January 2007, and expressing its hope that those would be free and fair, in full respect of international electoral standards,

1. *Expresses deep concern*:

(a) About the failure of the Government of Belarus to cooperate fully with all the mechanisms of the Human Rights Council, in particular with the special rapporteurs on the situation of human rights in Belarus, while noting the serious concern relating to the deterioration of the human rights situation in Belarus expressed by seven independent human rights experts of the United Nations in a statement issued on 29 March 2006;

(b) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe and dialogue between the Government and the Organization for Security and Cooperation in Europe following previous elections, Belarus again failed to meet its commitments to hold free and fair elections, including by allowing the arbitrary use of State power against opposition candidates, routine harassment, the detention and arrest of political and civil society activists, the obstruction of the access of opposition candidates to State media, the negative portrayal in the State media of opposition candidates and activists, including human rights defenders, and the serious shortcomings of the vote count that lacked minimum transparency;

(c) About continued reports of harassment, arbitrary arrest and detentions of up to 1,000 persons, including opposition candidates, before and after the 19 March 2006 election;

(d) About the continued and expanding criminal prosecutions, lack of due process and closed political trials of leading opposition figures and human rights defenders;

(e) About the continued harassment and detention of Belarusian journalists covering local opposition demonstrations, and that senior officials of the Government of Belarus were implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as

[9] Ibid., vol. 2171, No. 27531.
[10] E/CN.4/2006/36.

documented in the report adopted in resolution 1371 of 28 April 2004 by the Parliamentary Assembly of the Council of Europe;

(f) About the decision of the Belarusian authorities to revoke the teaching licence of the European Humanities University in Minsk and to terminate the lease of its buildings, forcing the University in Belarus to close down;

(g) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, religious groups, opposition political parties and independent trade unions, independent youth and student organizations, and the harassment and prosecutions of individuals, including students engaged in the promotion and protection of human rights, rule of law and democracy;

2. *Urges* the Government of Belarus:

(a) To bring the electoral process and legislative framework into line with international standards, especially those of the Organization for Security and Cooperation in Europe, demonstrate such commitment through the upcoming local elections in January 2007 and rectify the shortcomings of the electoral process, identified by the Office for Democratic Institutions and Human Rights in its report of 7 June 2006, including election laws and practices that restrict campaigning opportunities for de facto opposition candidates, arbitrary application of electoral laws, including on registration of candidates, obstruction of the right of access to the media, biased presentation of the issues by the State media and falsification of vote counts;

(b) To cease politically motivated prosecution, harassment and intimidation of political opponents and pro-democracy activists and human rights defenders, students, independent media, religious organizations, educational institutions and civil society actors; and to cease the harassment of students and to create the conditions whereby they can continue their studies in Belarus;

(c) To respect the rights of freedom of speech, assembly and association and to release immediately all political prisoners and other individuals detained for exercising those rights;

(d) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture and other cruel, inhuman or degrading treatment or punishment, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal, and if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

(e) To investigate and hold accountable those responsible for the mistreatment and detention of domestic and foreign journalists in connection with the 19 March 2006 election and post-election demonstrations;

(f) To uphold the right to freedom of religion or belief, including the ability to maintain communications with individuals and communities in matters of religion and belief at the national and international level;

(g) To investigate and hold accountable those responsible for the mistreatment, arbitrary arrest and incarceration of civic and political activists

leading up to and following the March 2006 presidential elections and to release immediately and unconditionally all pol[i]cal prisoners;

(h) To carry out all other steps called for by the Commission on Human Rights in its resolution 2005/13;

3. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Human Rights Council, in particular with Commission on Human Rights resolution 2004/14 establishing the mandate of the Special Rapporteur appointed in Commission resolution 2005/13, as well as with the representative of the Organization for Security and Cooperation in Europe on freedom of the media.